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10/517,813

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Bertrand Bouvet

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LOWE HAUPTMAN HAM & BERNER, LLP

1700 DIAGONAL ROAD

SUITE 300

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EXAMINER

KIM, TAE K

ART UNIT

PAPER NUMBER

2153

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/517,813

Applicant(s)

BOUVET, BERTRAND

Examiner

Tae K. Kim

Art Unit

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2007.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-64 is/are pending in the application.  
4a) Of the above claim(s) 1-32 is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 33-64 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 14 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

This is in response to the application filed on November 21, 2007. Claims 1 – 32 have been previously cancelled by the Applicant. Claims 33 – 64, of which Claim 33 is in independent form, are presented for examination.

#### ***Claim Objections***

With regards to the objections to Claims 33 – 64 to clarify the claim language by inserting “A” or “The” to the beginning of each claim, the Applicant has made the suggested amendments. Examiner has withdrawn the objections to Claim 33 – 64.

With regard to the objection to Claim 41, the Applicant has made the suggested amendment. Examiner has withdrawn the objection to Claim 41.

With regard to the objection to Claim 53, the Applicant has made the suggested amendment. Examiner has withdrawn the objection to Claim 53.

With regard to the objection to Claim 56, the Applicant has made the suggested amendment. Examiner has withdrawn the objection to Claim 56.

With regard to the objection to Claim 63, the Applicant has made the suggested amendment. Examiner has withdrawn the objection to Claim 63.

#### ***Response to Arguments***

Applicant's arguments filed on November 21, 2007 have been fully considered but they are not persuasive. Applicant argued:

- a) Call does not disclose of allowing members of the second body of actors (e.g., resellers) to modify the data.

- b) Call does not disclose that the records can be modified without requiring any further registration or authentication procedure with a DNS authority.

Examiner respectfully disagrees with applicant's assertions.

1. With regards to a), Call discloses that the term "manufacturer" also refers to suppliers, vendors, licensors, and others to whom sets of universal product codes have been assigned, or their agents (Col. 4, Lines 58-61). Additionally, the information that was provided for any produce code can be modified after registration by authorized personnel (Col. 6, Lines 19-26). Therefore, an authorized agent, such as a retailer, can modify the information stored in the product code database via a web page (Col. 6, Lines 11-12) that transmits the updated data to the server with the associated internet address that has already been registered with the product code (Col. 5, Lines 29-34). Furthermore, the LDAP protocol provides both access and update capabilities (Col. 20, Lines 30-35).

2. With regards to b), Call discloses that the security is enhanced by requiring a password to modify the information being supplied (Col. 6, Lines 21-26). This allows an authorized user to modify the record without requiring any further registration or authentication procedure with a DNS authority.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 33 – 43, 51, 58 – 60 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 6,154,738, invented by Charles Gainor Call (hereinafter referenced as “Call”).**

3. Regarding Claim 33, Call discloses of a system for updating a record stored in a first database (Abstract; Col. 4, Lines 58-61; Col. 6, Lines 19-26; Col. 20, Lines 60-63; method and apparatus for acquiring and updating product information where a server may send a request to a remote directory server to obtain the URL at which information is available), the record including one or a plurality of resource records (Abstract; obtain product information), the first database being stored by a domain name server, referred to as a DNS server, or a directory server, referred to as an LDAP server, able to be accessed indirectly from a DNS server (Col. 20, Lines 60-67; using LDAP protocol to obtain information from a remote server and also using a second LDAP directory server), the system comprising of a communication arrangement enabling the said system to receive from a telecommunication terminal a request for modification of the record or a programming of such a request (Fig. 1; Col 4,

Lines 30-39; information can be retrieved from multiple communication terminals), a controller for determining, from said modification request transmitted to the said system or previously programmed in the said system, a domain name and an operation to be performed on the record (Col. 5, Lines 29-35; Col. 8, Lines 29-36; the product code translator accepts cross-references from manufacturers where the product code is associated with a URL and the IP address may be modified on the URL table), and a protocol manager for seeking, from the domain name, the IP address of the server storing the said first database and, according to the operation, for transmitting to the server a request to update the record (Col. 8, Lines 29-36; URL is converted to IP address within URL table using domain name server).

4. Regarding Claim 34, Call discloses all the limitations of Claim 33 above. Call further discloses of using an authenticator for authenticating, at the application level, the sender of the request from authentication information stored in a second local or remote database (Col. 6, Lines 20-22, 34-37, and 42-46; registration handler can request email confirmation, password confirmation, or use web certificates stored in a separate database of certificates).

5. Regarding Claim 35, Call discloses all the limitations of Claim 34 above. Call further discloses of where the protocol manager is arranged to respond to an indication of the sender of the request having been authenticated by transmitting a consultation request according to the DNS protocol to the DNS server, the request having as its argument the domain name, and receiving a first response from the server (Col. 21, Lines 50-52, 60-65; Col. 21 and 22, Lines 66 and 1-3,

respectively; cross-referencing IP address using primary DNS server, receiving IP address, then requesting permission to access site).

6. Regarding Claim 36, Call discloses all the limitations of Claim 35 above. Call further discloses of where the controller is arranged to store the first database by the DNS server by extracting from the first response information included in the record and formatting the information in order to transmit the information to said terminal via the communication arrangement (Fig. 6; Col. 21, 50-58; Col. 22, Lines 61-63; information is provided via online through a browser).

7. Regarding Claims 37 – 39, Call discloses all the limitations of Claim 35 above. Call further discloses the use of an LDAP server to store the first database where the controller is arranged to extract the address of the LDAP server from the first response (Col. 20; Lines 60-67; request is sent to remote directory using LDAP protocol to obtain URL), where the protocol manager is arranged to transmit a consultation request according to the LDAP protocol to the LDAP server and to receive a second response from the LDAP server (Col. 20; Lines 60-67; second request mode to fetch information about the product from a second LDAP server at the URL specified by the first server), and the controller is arranged to extract from the second response information included in the record and to format it for transmission to the terminal via the communication arrangement (Col. 21; Lines 2-4; Col. 23; Lines 13-15; product information is supplied to the browser via XML data in response to the requests).

8. Regarding Claims 40 – 43, Call discloses all the limitations of Claims 36

and 39 above. Call further discloses that the controller is arranged to respond to an updating operation determined by the controller to instruct the protocol manager to transmit an update request according to the DNS protocol (Col. 5, Lines 29-36; Col. 6, Lines 15-19; product code translator processes incoming registration data to either create or alter data). Additionally, Call discloses that the protocol manager is arranged to receive an updating confirmation/invalidation response from the DNS server and the controller is arranged to format the updating confirmation/invalidation response before ordering transmission of the updating confirmation/invalidation response to the terminal via the communication arrangement (Col. 6, Lines 19-46; validation that the update to the database is from an authorized source can be implemented in many ways before the update is processed, such as email confirmation, web certificates, and password access). Furthermore, the use of LDAP protocol and servers to implement such a system is disclosed by Call (Col. 20, Lines 52-67; the use of LDAP protocol and servers to cross-reference product codes within a database).

9. Regarding Claim 51, Call discloses all the limitations of Claim 33 above. Call further discloses that the protocol manager is arranged to use a DNS protocol of the secure type (Col. 6, Lines 42-46; certificates can be used to authenticate requests to the server made via DNS protocol).

10. Regarding Claims 58 – 60, Call discloses all the limitations of Claim 33 above. Call further discloses of the system comprising of an IP interface (Fig. 1; components can communicate through the internet). Call also discloses the use of web pages for an authentication form (Col. 6, Lines 10-12; registration



template accepted via HTML web page form) and a form for entering a request for consultation or modification of said record, representing one or more items of information about the record or an updating confirmation/invalidation response in the form of web pages (Col. 6, Lines 10-12; web template also used to modify information in database; Col. 22, Lines 61-63; the use of a browser by an online shopper to view information within database). Additionally, Call discloses that the communication arrangement comprises of an SMTP server for receiving, in the form of e-mails, a request for consultation or modification of the record and for transmitting in the form of e-mails one or more items of information about the record and/or an updating confirmation/invalidation response (Col. 6; Lines 12-13 and 26-31; email can be used to submit registration information and confirmation can be required by responding to a predetermined email sent to the registered email address).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 52 – 57 and 64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Call.**

11. Regarding Claim 52, Call discloses all the limitations of Claim 33 above.

Call further discloses that the system is capable of using a telephone to send the collaborate/update requests (Col. 6, Lines 14-15). However, Call does not expressly disclose the use of an STN and/or ISDN interface within the system.

It is well known to those skilled in art at the time of the application was filed that an ISDN interface is an obvious method of telephone communication that allows digital transmission of voice and data through ordinary copper wires. This is an obvious deviation of the common telephone line used to communicate within the system. The use of an ISDN interface simplifies the implementation of the system since there is no need for an analog to digital converter to process the data.

12. Regarding Claim 53, Call discloses all the limitations of Claim 52 above.

However, Call does not expressly disclose the use of a voice synthesis module or a voice file reproduction module for generating a voice menu that recognizes DTMF signals and/or voice choices in the voice menu.

It is well known to those skilled in the art at that time the application was filed that a voice synthesis module or a voice file reproduction module can be used for generating a voice menu reproducing one or more items of information on the recorded voice form. It is also well known that a recognition module for DTMF signals and/or a voice recognition module are used to recognize a choice from the voice menu. It would be obvious to use a voice menu to retrieve data

through a telephone to allow consultation or modification of the database without the need of a live operator answering these requests.

Applicant has failed to seasonably challenge the Examiner's assertions of well known subject matter in the previous Office action(s) pursuant to the requirements set forth under MPEP §2144.03. A "seasonable challenge" is an explicit demand for evidence set forth by Applicant in the next response.

Accordingly, the claim limitations the Examiner considered as "well known" in the first Office action, i.e. a voice menu using a voice synthesis module or a voice file reproduction module along with a DTMF signal and/or voice recognition module to provide an automated telephone interface for a user, are now established as admitted prior art of record for the course of the prosecution. See *In re Chevenard*, 139 F.2d 71, 60 USPQ 239 (CCPA 1943).

13. Regarding Claims 54 and 55, Call discloses all the limitations of Claim 52 above. However, Call does not expressly disclose the use of videotext or SMS messaging to consult or modify the record stored in the database.

It is well known to those skilled in the art at that time the application was filed that videotex can be used for managing a menu to enter a request for consultation or modification of the record and to reproduce one or more items of information about the record or an update confirmation/invalidation response. It is also well known that SMS messages can be used to transmit and receive information. Either would be obvious deviations of the various other methods of consulting or modifying the database disclosed in Call, such as email, website, and telephone.

Applicant has failed to seasonably challenge the Examiner's assertions of well known subject matter in the previous Office action(s) pursuant to the requirements set forth under MPEP §2144.03. A "seasonable challenge" is an explicit demand for evidence set forth by Applicant in the next response.

Accordingly, the claim limitations the Examiner considered as "well known" in the first Office action, i.e. the use of videotex and SMS messaging to consult or modify records within a database, are now established as admitted prior art of record for the course of the prosecution. See *In re Chevenard*, 139 F.2d 71, 60 USPQ 239 (CCPA 1943).

14. Regarding Claim 56, Call discloses all the limitations of Claim 52 above. Call further discloses of a communication arrangement comprises a user-to-user information (UUI) sending/receiving module, for receiving, in the form of an item of UUI, a request for consultation or modification of the record and to transmit in the form of an item of UUI, one or more items of information about the record or an updating confirmation/invalidation response (Col. 14, Lines 3-7; the exchange of business documents between computers connected within the system).

15. Regarding Claim 57, Call discloses all the limitations of Claim 52 above. However, Call does not expressly disclose the use of a fax module to transmit information.

It is well known to those skilled in the art at the time the application was filed that using a fax module to transmit information between two communication points. Using a fax module is an obvious deviation of using many of the other common communication methods disclosed in Call, such as email, regular mail,

and telephone. Allowing the system to communicate through a fax module allows the vendors to use another common method known at the time of the invention.

Applicant has failed to seasonably challenge the Examiner's assertions of well known subject matter in the previous Office action(s) pursuant to the requirements set forth under MPEP §2144.03. A "seasonable challenge" is an explicit demand for evidence set forth by Applicant in the next response.

Accordingly, the claim limitations the Examiner considered as "well known" in the first Office action, i.e. the use of a fax module to transmit information, are now established as admitted prior art of record for the course of the prosecution. See *In re Chevenard*, 139 F.2d 71, 60 USPQ 239 (CCPA 1943).

16. Regarding Claim 64, Call discloses all the limitations of Claim 33 above. However, Call does not expressly disclose that the system stores data of the A, NS, MD, MF, CNAME, SOA, MB, MG, MR, NULL, WKS, PTR, HINFO, MINFO, MX, or TXT type.

It is well known in the art at the time the application was filed that this list of query names (A, NS, MD, MF, CNAME, SOA, MB, MG, MR, NULL, WKS, PTR, HINFO, MINFO, MX, or TXT) are all file types that are used by the DNS lookup tool to convert IP addresses to hostnames and vice versa and to obtain aliases. It is obvious to one skilled in the art that the use of one or many of these query types is an obvious deviation of the process of looking up an IP address via a DNS.

Applicant has failed to seasonably challenge the Examiner's assertions of well known subject matter in the previous Office action(s) pursuant to the requirements set forth under MPEP §2144.03. A "seasonable challenge" is an explicit demand for evidence set forth by Applicant in the next response.

Accordingly, the claim limitations the Examiner considered as "well known" in the first Office action, i.e. the use of A, NS, MD, MF, CNAME, SOA, MB, MG, MR, NULL, WKS, PTR, HINFO, MINFO, MX, or TXT as file types within a system containing a DNS, are now established as admitted prior art of record for the course of the prosecution. See *In re Chevenard*, 139 F.2d 71, 60 USPQ 239 (CCPA 1943).

**Claims 44 – 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Call as applied to Claim 34 above, and further in view of U.S. Patent 5,862,325, invented by Drummond Shattuck Reed et al. (hereinafter referenced as "Reed").**

17. Regarding Claims 44 – 47, Call discloses all the limitations of Claim 33 as stated above. However, Call does not specifically disclose that the controller is arranged to store in the second database a configuration profile transmitted via the communication arrangement, the profile including one or more programmed modification requests, each programmed modification request being associated with at least one time range and/or one geographical area. Nor does Call disclose that the system comprises of a configuration automatic controller for scrutinizing the second database and testing whether a measurement of time belongs to the range and/or a location of the terminal belongs to the area, and, in

response to a positive result, extracting the associated programmed modification request and transmitting to the protocol manager a request to consult the first database.

Reed discloses applying rules into the operational functionality of databases that makes them capable of initiating communications and database processing based on time, system variables, system events, or other conditions (Col. 21, Lines 33-39). Reed further discloses that these rules are associated with methods to be executed when these conditions are met, such as backing up the database after X days (Col. 21, Lines 45-61). Furthermore, it is well known in the art at the time the application was filed that having processes conditioned upon a specific event or variable must be stored or programmed into the system to be triggered. It would be obvious to one skilled in the art to apply the use of rules within the system disclosed in Call to effectively process database retrievals or modifications. Certain conditions, such as holiday sales, temperature changes, or interest rate changes, can have an effect on the data that is stored within a database and the ability to have such programmed requests decreases the amount of user interface necessary to change the information stored in the database.

**Claims 48 – 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Call, in view of Reed, as applied to Claim 47 above, and further in view of U.S. Patent 5,590,274, invented by Michael J. Skarpelos et al. (hereinafter referenced as “Skarpelos”).**

18. Regarding Claims 48 and 49, Call, in view of Reed, discloses all the limitations of Claim 47 as stated above. However, Call does not specifically disclose the storing of each confirmation/invalidation response from the first server into another database as a history file that can be accessed by authorized entities through a report transmitted to those who requested such history.

Skarpelos discloses of a system and technique to record and monitor changes to the database (Col. 1, Lines 25-30). This system and technique is not just used in a fault tolerant system to revert back to a previous setting, but also used to view the history of changes to the database (Col. 1, Lines 25-26). It would be obvious to one skilled in the art to record the changes into the database to trace back to prior modifications if there were any errors in the database. Additionally, the ability to revert back to previous data within the database when there are failures during the updating process is necessary to prevent the loss of important data.

19. Regarding Claim 50, Call, in view of Reed, and in further view of Skarpelos, discloses all the limitations of Claim 49 above. However, Call, in view of Reed and Skarpelos, does not expressly disclose that a history report of the database will be sent to a notification terminal.

It would be obvious to one skilled in the art at the time of the application to use the email confirmation process disclosed in Call to transmit the history data of the database at the request of a user. The system in Call encompasses all the required components necessary to store history data in another database, authenticate where the request is coming from, and to send a report to the



requestor. Again, the ability to revert back to previous data within the database when there are failures during the updating process is necessary to prevent the loss of important data.

**Claims 61 – 63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Call as applied to Claim 33 above, and further in view of the non-patent literature titled “E.164 number and DNS” by P. Faltstrom (hereinafter referenced as “Faltstrom”).**

20. Regarding Claims 61 – 63, Call discloses all the limitations of Claim 33 as stated above. However, Call does not specifically disclose that the controller is arranged to determine a domain name from a subscriber identifier, whether or not the E.164 telephone number is used. Further, Call does not disclose that the controller is arranged to extract information and to determine according to the request an operation to be performed on a resource record of the Naming Authority Pointer (NAPTR).

Faltstrom discloses of the use of using the DNS for storage of E.164 numbers and how the DNS is used for identification of the available services associated with those numbers (Abstract; Pg. 1-2, Ch. 2). Additionally, NAPTR resource records are used to convert E.164 telephone numbers to Uniform Resource Identifier to identify the associated services (Pgs. 3-4, Ch. 3). It is also well known in the art at the time the application was filed that E.164 numbers were recommended as the international public telecommunication numbering plan for ISDN lines. It would be obvious to one skilled in the art that the use E.164

telephone numbers is recommended to conform to the international standards that were established.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

### **Contacts**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tae K. Kim, whose telephone number is (571) 270-1979. The examiner can normally be reached on Monday - Friday (8:00 AM - 5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton B. Burgess, can be reached on (571) 272-3949. The fax phone number for submitting all Official communications is (703) 872-9306. The fax phone number for submitting informal communications such as

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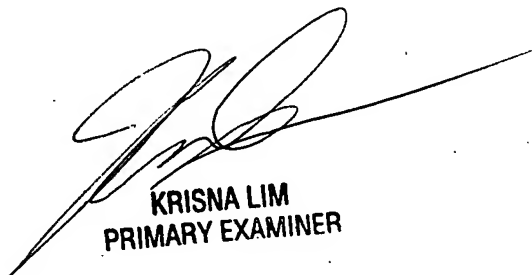
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drafts, proposed amendments, etc., may be faxed directly to the examiner at (571) 270-2979.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

TKK

February 15, 2008



KRISNA LIM  
PRIMARY EXAMINER